

1 **SMILEY WANG-EKVALL, LLP**  
2 Philip E. Strok, State Bar No. 169296  
*pstrok@swelawfirm.com*  
3 Kyra E. Andrassy, State Bar No. 207959  
*kandrassy@swelawfirm.com*  
4 Timothy W. Evanston, State Bar No. 319342  
*tevanston@swelawfirm.com*  
5 3200 Park Center Drive, Suite 250  
6 Costa Mesa, California 92626  
Telephone: 714 445-1000  
Facsimile: 714 445-1002

7 Attorneys for Elissa D. Miller,  
8 Chapter 7 Trustee

9 **UNITED STATES BANKRUPTCY COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **LOS ANGELES DIVISION**

12 In re Case No. 2:20-bk-21022-BR

13 GIRARDI KEESE,

Chapter 7

14  
15  
16 Debtor.  
17  
18 **DECLARATION OF KYRA E.  
ANDRASSY IN SUPPORT OF  
STIPULATION AUTHORIZING  
RESERVATION OF FEES AND  
EXPENSES AND DISTRIBUTION OF  
SETTLEMENT PAYMENT TO CLIENT  
(A.RUSSO/ROUTE 91)**

19  
20 [No Hearing Required]

I, Kyra E. Andrassy, declare:

21 1. I am a partner with Smiley Wang-Ekvall, LLP, attorneys for Elissa D. Miller,  
22 Chapter 7 Trustee of the bankruptcy estate of Girardi Keese (the "Trustee"). I am  
23 licensed to practice before this Court and the courts of the State of California. I know  
24 each of the following facts to be true of my own personal knowledge, except as otherwise  
25 stated and, if called as a witness, I could and would competently testify with respect  
26 thereto. I make this declaration in support of the *Stipulation Authorizing Distribution of*  
27 *Settlement Payment to Client (A.Russo/Route 91)* (the "Stipulation") . Unless otherwise  
28

1 defined in this declaration, all terms defined in the Stipulation are incorporated herein by  
2 this reference.

3       2. I am informed that prior to the Petition Date, the Debtor was retained by the  
4 Client to represent the Client in an action pending in the Eighth Judicial District Court, for  
5 the County of Clark, Nevada, entitled *Rachel Sheppard, et al, v. MGM Resorts*  
6 *International, et al.*, Case No. A-18-769752-C (the "Route 91 Case").

7       3. I am informed that pursuant to the fee agreement, the Debtor was to  
8 receive a percentage of the gross settlement payments (the "Contingency Fee"), plus  
9 reimbursement of costs. I am informed that in 2020, the Debtor associated PSB to  
10 prosecute the case on behalf of the Client and reached an agreement regarding the  
11 allocation of the Contingency Fee so that the Debtor was to receive 65% and PSB was to  
12 receive 35%.

13       4. I am informed that the Debtor incurred costs of \$56.89, PSB incurred costs  
14 of \$239.07 and the Client's share of pro rata common costs of \$100.34.

15        5. I am advised that the Client has reached a settlement in the Route 91 Case.  
16 Based on the settlement amount, the Contingency Fee is \$32,776.85.

17       6. I am informed that a provider has asserted a medical lien against the  
18 settlement proceeds in the amount of \$676.39.

19       7. Due to the Debtor's bankruptcy, the parties are seeking confirmation of the  
20 proposed distribution of the Settlement Amount as set forth in this Stipulation.

21 I declare under penalty of perjury under the laws of the United States of America  
22 that the foregoing is true and correct to the best of my knowledge.

23 Executed on this 29<sup>th</sup> day of September, 2021, at Costa Mesa, California.

/s/ Kyra E. Andrassy  
KYRA E. ANDRASSY

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF KYRA A. ANDRASSY IN SUPPORT OF STIPULATION AUTHORIZING RESERVATION OF FEES AND EXPENSES AND DISTRIBUTION OF SETTLEMENT PAYMENT TO CLIENT (A.RUSSO/ROUTE 91)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) September 29, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page.

**2. SERVED BY UNITED STATES MAIL:**

On (date) September 29, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell  
U.S. Bankruptcy Court  
Roybal Federal Building  
255 E. Temple Street, Suite 1660  
Los Angeles, CA 900125

Service information continued on attached page.

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date), I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

September 29, 2021

Gabriela Gomez-Cruz

Date

*Printed Name*

/s/ Gabriela Gomez-Cruz

*Signature*

**TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

- Kyra E Andrassy kandrassy@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Rafey Balabanian rbalabanian@edelson.com, docket@edelson.com
- Michelle Balady mb@bedfordlg.com, leo@bedfordlg.com
- Ori S Blumenfeld ori@marguliesfaithlaw.com,  
Helen@MarguliesFaithLaw.com;Angela@MarguliesFaithLaw.com;Vicky@MarguliesFaithLaw.com
- Evan C Borges eborges@ggtriallaw.com, cwinsten@ggtriallaw.com
- Richard D Buckley richard.buckley@arentfox.com
- Marie E Christiansen mchristiansen@vedderprice.com, ecfladocket@vedderprice.com,marie-christiansen-4166@ecf.pacerpro.com
- Jennifer Witherell Crastz jcrastz@hrhrlaw.com
- Ashleigh A Danker Ashleigh.danker@dinsmore.com, SDCMLFiles@DINSMORE.COM;Katrice.ortiz@dinsmore.com
- Clifford S Davidson csdavidson@swlaw.com, jlangois@swlaw.com;cliff-davidson-7586@ecf.pacerpro.com
- Lei Lei Wang Ekwall lekvall@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Richard W Esterkin richard.estrkin@morganlewis.com
- Timothy W Evanston tevanston@swelawfirm.com, gcruz@swelawfirm.com;lgarrett@swelawfirm.com;jchung@swelawfirm.com
- Jeremy Faith Jeremy@marguliesfaithlaw.com,  
Helen@MarguliesFaithlaw.com;Angela@MarguliesFaithlaw.com;Vicky@MarguliesFaithlaw.com
- James J Finsten , jifinsten@hotmail.com
- Alan W Forsley alan.forsley@flpllp.com, awf@fkllawfirm.com,awf@fl-lawyers.net,addy.flores@flpllp.com
- Eric D Goldberg eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
- Andrew Goodman agoodman@andyglaw.com, Goodman.AndrewR102467@notify.bestcase.com
- Suzanne C Grandt suzanne.grandt@calbar.ca.gov, joan.randolph@calbar.ca.gov
- Steven T Gubner sgubner@bg.law, ecf@bg.law
- Marshall J Hogan mhogan@swlaw.com, knestuk@swlaw.com
- Sheryl K Ith sith@cookseylaw.com, sith@ecf.courtdrive.com
- Razmig Izakelian razmigizakelian@quinnmanuel.com
- Lillian Jordan ENOTICES@DONLINRECANO.COM, RMAPA@DONLINRECANO.COM
- Lewis R Landau Lew@Landaunet.com
- Daniel A Lev dlev@sulmeyerlaw.com, ccaldwell@sulmeyerlaw.com;dlev@ecf.inforuptcy.com
- Elizabeth A Lombard elombard@zwickerpc.com, bknotices@zwickerpc.com
- Craig G Margulies Craig@marguliesfaithlaw.com,  
Vicky@marguliesfaithlaw.com;Helen@marguliesfaithlaw.com;Angela@marguliesfaithlaw.com
- Ron Maroko ron.maroko@usdoj.gov
- Peter J Mastan peter.mastan@dinsmore.com, SDCMLFiles@dinsmore.com;Katrice.ortiz@dinsmore.com
- Edith R. Matthai ematthai@romalaw.com, lrobie@romalaw.com
- Kenneth Miller kmiller@pmcos.com, efilings@pmcos.com
- Elissa Miller (TR) CA71@ecfcbis.com, MillerTrustee@sulmeyerlaw.com;C124@ecfcbis.com;ccaldwell@sulmeyerlaw.com
- Eric A Mitnick MitnickLaw@aol.com, mitnicklaw@gmail.com
- Scott H Olson solson@vedderprice.com, scott-olson-2161@ecf.pacerpro.com,ecfsdocket@vedderprice.com,nortega@vedderprice.com
- Carmela Pagay ctp@lnbyb.com
- Leonard Pena lpena@penalaw.com, penasomaecf@gmail.com;penalr72746@notify.bestcase.com
- Michael J Quinn mquinn@vedderprice.com, ecfladocket@vedderprice.com,michael-quinn-2870@ecf.pacerpro.com
- David M Reeder david@reederlaw.com, secretary@reederlaw.com
- Ronald N Richards ron@ronaldrichards.com, morani@ronaldrichards.com
- Kevin C Ronk Kevin@portilloronk.com, Attorneys@portilloronk.com
- Frank X Ruggier frank@ruggierlaw.com, enotice@pricelawgroup.com
- William F Savino wsavino@woodsoviatt.com, lherald@woodsoviatt.com
- Kenneth John Shaffer johnshaffer@quinnmanuel.com
- Richard M Steingard , awong@steingardlaw.com
- Philip E Strok pstrok@swelawfirm.com, gcruz@swelawfirm.com;1garrett@swelawfirm.com;jchung@swelawfirm.com
- Boris Treyzon bt@treyzon.com, sgonzales@actslaw.com
- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
- Eric D Winston ericwinston@quinnmanuel.com
- Christopher K.S. Wong christopher.wong@arentfox.com, yvonne.li@arentfox.com
- Timothy J Yoo tjiy@lnbyb.com

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.